

**Submission  
No 26**

**INQUIRY INTO PLANNING SYSTEM AND THE IMPACTS  
OF CLIMATE CHANGE ON THE ENVIRONMENT AND  
COMMUNITIES**

**Name:** Dr Suzanne Allen

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Planning systems lack environmental considerations, particularly given current scientific knowledge of environmental needs. Everything that we use comes from nature. If we continue to destroy our nature, we destroy our life as well. This is scientific, not an argument from 18<sup>th</sup>/19<sup>th</sup> century Romanticism or the 60's Romantic revival. Planning structures have not incorporated scientific knowledge relevant to environmental (fauna and flora) needs, so that pollutions permeate the air, waters, and land. I relate to each of the Terms of Reference, as restated below, in the following and give weight to my positioning with local district examples.

## **TERMS OF REFERENCE**

*Inquiry into the planning system and impacts of climate change on the environment and communities*

*A. Developments proposed or approved:*

*1. In flood or fire prone areas or areas that have become more exposed to natural disasters as a result of climate change*

*2. In areas that are vulnerable to rising sea levels, coastal erosion or drought conditions as a result of climate change*

*3. In areas that are threatened ecological communities or habitat for threatened species*

*B. The adequacy of planning powers and planning bodies, particularly for local councils, to review, amend or revoke development approvals, and consider the costs, that are identified as placing people or the environment at risk as a consequence of:*

*1. Cumulative impacts of development*

*2. Climate change and natural disasters*

*3. Biodiversity loss, and*

*4. Rapidly changing social, economic and environmental circumstances.*

*C. Short, medium, and long term planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community's expectation and need for homes, schools, hospitals and infrastructure.*

*D. Alternative regulatory options to increase residential dwelling capacity where anticipated growth areas are no longer deemed suitable, or where existing capacity has been diminished due to the effects of climate change.*

**A. Developments proposed or approved:**

**A1. In flood or fire prone areas or areas that have become more exposed to natural disasters as a result of climate change**

### **Regeneration**

Areas that have become more exposed to natural disasters need to be reviewed for greater protection, conservation of remaining ecosystems as well as ecosystem restoration as far as possible to recover biodiversity.

**A2. In areas that are vulnerable to rising sea levels, coastal erosion or drought conditions as a result of climate change**

## **Risk Modelling**

Risk assessments must incorporate IPCC considerations: The IPCC Synthesis Report, Climate Change 2023 Summary for Policy Makers 'recognizes the interdependence of climate, ecosystems and biodiversity, and human societies; the value of diverse forms of knowledge; and the close linkages between climate change adaptation, mitigation, ecosystem health, human well-being' and sustainable development, and reflects the increasing diversity of actors involved in climate action' (p.3). This stance is not reflected in current planning initiatives.

### *Example: Nth Tuncurry Urban Release*

Potential flooding has been raised as an issue within the Nth Tuncurry development, with no relevant assessments conducted. Landcom's offered solution of 'storage basins with overflow directed via a pipe to the lake entrance' (Welcome to North Tuncurry, *Climate Aware*, para. 3) is described as 'innovative' but this is problematic because of potential lake contamination. The possibility of flooding appears to be brushed over in the aim to develop and make profit. The removal of vegetation also reduces the climate resilience of coastal communities, by increasing the damage caused by extreme weather events and worsening erosion, so the kind of compact urban development that is planned for Nth Tuncurry and that has occurred to the north of Hallidays Point has direct negative economic impacts on coastal communities.

## **A3. In areas that are threatened ecological communities or habitat for threatened species.**

The categorisation of 'threatened species' identifies fauna and flora under threat of near extinction but its usage undermines the destruction that occurs with any development, as if fauna and flora are only 'threatened' when they are vulnerable to extinction, which seemingly gives licence to destroy habitats until a species is threatened/endangered. All ecological communities or habitat are threatened by planning that lacks scientific insight into environmental needs. '8 million hectares of forest and bushland has no protection from Deforestation' (Nature conservation Council of NSW, the Wilderness Society, WWF-Australia and the National Parks Association of NSW, 2018, *Exec. Sum.* para. 3).

Recommendations that follow from this knowledge include:

- i. Development consents need to incorporate the application of up-to-date scientific data relevant to preserving biodiversity.
- ii. Developers should need to gain approval that complies with the above within a rational, concise time frame such as in the past five years.
- iii. Public consultation for forthcoming developments must be well broadcast; all granted development consents should be immediately publicly notified to allow for challenges to administrative decisions.

### *Example: Red Head to Nth Diamond Beach Coastline*

Developments over the past 7 years have completely removed all but a narrow strip of bush on the cliff edges, each area replaced by urban developments, where houses stretch from border to border with little to no space for vegetation that might support wildlife. This fashion of creating lawns of lifelessness needs to be reversed. Education campaigns (advertising) are required and legislation to prevent the widespread destruction.

**B. The adequacy of planning powers and planning bodies, particularly for local councils, to review, amend or revoke development approvals, and consider the costs, that are identified as placing people or the environment at risk as a consequence of:**

**B1. Cumulative impacts of development**

Cumulative impact modelling with clear scientific evaluation is needed to avoid widespread devastation that ultimately eliminates all local fauna and flora.

*Example:* I refer you to the above example of the coastline from Red Head to Nth Diamond Beach.

**B2: Climate change and natural disasters**

The EP&A Act must enforce adaptation to climate change and natural disasters. The lack of enforcement points to the absence of regulators. More resources must be given to allow for a strong expansion in regulation.

*Example:* The recently developed estates between Red Head and Nth Diamond Beach described above have houses crammed together, with no apparent regard for the increasing temperature that this type of building generates. No houses have tanks, and few have solar panels. As stated, little vegetation remains where the houses have been built. There is also only one road in or out, which places citizens further at risk in the event of a disaster.

**B3: Biodiversity loss**

**i. The Biodiversity Offset Scheme**

The scheme is not working and should be discarded; the credit system enables developers to circumvent biodiversity concerns (Environmental Defenders Office, 2021). Ecosystem protection, habitat conservation and/or environmental restoration must hold precedence over development rights. The developer needs to clearly demonstrate to regulators how principles of protection and/or restoration have been adhered to.

**ii. DA Amendment Processes**

Council development approvals must consider biodiversity/fauna and flora and their habitat, threatened or otherwise. Any further amendment or reviews of DAs must include up-to-date scientific data on biodiversity, should occur with community consultation, and be assessed before the state government. Additional, renewed or upgraded EIAs would be beneficial.

*Example: Hallidays Point - 361 Blackhead Rd*

The planning process for this 10-hectare forested koala corridor that links the Darawank Nature Reserve in the South to Khappinghat Nature Reserve in the North exemplifies Council inadequacy to review, amend or revoke development approvals. The area is home to several threatened species including koala, brush-tailed phascogales, glossy black cockatoos, squirrel gliders, microbats and spotted tail quolls.

The original DA in 2004 was for an aged care facility based on the argument that this would allow families to stay close to each other as one or more partners aged. In that Original DA

according to an email from Mayor David West (email dated 21 November 2021) it was stated “the proposal has the potential to impact on threatened species recorded throughout the area” and in consideration of the impact on threatened species a requirement was made in the 2004 approval that “significant tracts of vegetation will be retained on site”. The DA was due to lapse in October 2009, but was preserved in the last two days by the removal of some small saplings to establish ‘physical commencement’. In May 2020 the DA was again before Council this time with a modification from bricks and mortar to dwellings manufactured off-site and now slated as over 55’s life-style community with a 4<sup>th</sup> stage development of a nursing home. The development does not consider cumulative development impacts, thus directly increasing risk to vulnerable people. The planning system does not account for this. The site is now subject to an upgraded Bushfire Risk Assessment (BFRA) which requires that the whole 10.63 hectares must be managed for now and into perpetuity as an internal Asset Protection Zone. As such this internal Asset Protection Zone (APZ) requires the clearing and removal of almost all vegetation and installation of non-flammable surfaces of concrete and mowed grass.

**C. Short, medium, and long term planning reforms that may be necessary to ensure that communities are able to mitigate and adapt to conditions caused by changing environmental and climatic conditions, as well as the community’s expectation and need for homes, schools, hospitals and infrastructure.**

**i. Enforcement**

DAs currently lack transparency; this could be resolved with mandated regular reporting to State Government.

**ii. Property Rights**

DAs are presently comparable to a property right and this limits the ability to review, amend or revoke a DA. This legal obstruction needs to be changed if adaptation to new scientific data is to be recognised and acted upon.

**iii. Waste Management**

New developments must be accompanied with extensive waste management services.

*Example:*

In the Hallidays Point, Diamond Beach and Red Head districts, there is no soft plastic recycling available, with the nearest facility in Newcastle, two hours away. This relates to planning Terms of Reference because continual plastic landfill contributes to the degeneration of soil content and thus biodiversity and agricultural potential.

**D. Alternative regulatory options to increase residential dwelling capacity where anticipated growth areas are no longer deemed suitable, or where existing capacity has been diminished due to the effects of climate change.**

**i.** Appropriate infrastructure is required to allow citizens to exit in emergencies.

**ii.** The de-amalgamation of local councils or a decentralisation of operations would enhance Council performance.

**iii.** Incentive to reduce short-term rental properties is required to free up long-term rentals.

*Example:*

**i.** There is currently only one road in and out of Hallidays Point, Diamond Beach, and Red Head, despite increasing population in the area.

- ii. The MidCoast Council has an extensive area to oversee.
- iii. The new estates on the Diamond Beach coastline appear to predominantly contain houses for short-term rental, as many are often not inhabited; the estates are like modern ghost-towns.

## References

Environmental Defenders Office, 2021. Submission to the inquiry into the Integrity of the NSW Biodiversity Offsets Scheme. <https://www.edo.org.au/wp-content/uploads/2021/11/210914-Inquiry-into-the-integrity-of-the-NSW-Biodiversity-Offsets-Scheme-EDO-submission.pdf>

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